

# ARLINGTON TOWN MEETING

## Article 8 – Substitute Motion

VOTED: That the Zoning Bylaw be and hereby is amended by:

**Amending Article 2, Definitions, Section 2.01 General, with the following text changes whereby deletions are shown as strike-through text and additions are shown as bold text:**

Following the Definition of “Garage, Public”:

### Gross Floor Area:

The sum of the gross horizontal areas of all the floors of a principal building and its accessory building or buildings on the same lot, including basements, as measured from the exterior faces of the exterior walls, or centerlines of walls separating two (2) buildings, including:

- a. elevator shafts and stairwells on each floor,
- b. that part of attic space with headroom, measured from subfloor to the bottom of the roof joists, of seven feet ~~three inches~~ or more, except as excluded in (4), below;
- c. interior mezzanines, and penthouses;
- d. basements except as excluded in (2), below; and cellars in residential use;
- e. all weather habitable porches and balconies; and
- f. parking garages except as excluded in (1), below;

but excluding:

1. areas used for accessory parking garages, or off-street loading purposes;
2. that part of basements devoted exclusively to mechanical uses accessory to the operation of the building;
3. open or lattice enclosed exterior fire escapes;
- ~~4. attic space and other areas for elevator machinery or mechanical equipment accessory to the operation of the building; and~~
- ~~5~~ **4.** porches and balconies.

Following the Definition of “Special Permit Granting Authority”:

### Story:

The portion of a building which is between one floor level and the next higher floor level or the roof. If a mezzanine floor area exceeds one-third of the area of the floor immediately below, it shall be deemed to be a story. A basement shall be deemed to be a story when its ceiling is four (4) feet six (6) inches or more above the finished grade. An attic shall not be deemed to be a story if ~~unfinished and not used for human occupancy and~~ **more than one half the floor area has a clear height of less than seven (7) feet as measured from subfloor to the bottom of the roof joists.**

### Story, Half:

A story which is under a gable, hipped, or gambrel roof, where less than one half the floor area has a clear height of seven (7) feet ~~three inches~~ or more.

Submitted by:

\_\_\_\_\_

Town Meeting Member Precinct \_\_\_\_\_

Date \_\_\_\_\_, 2016

## Information about the Substitute Motion on Article 8

### This Substitute Motion:

- Drops all references to basements and whether basements are stories in the original ARB vote
- Deals only with the definition of a half-story beneath a roof
- Implements recommendations of the Building Inspector and Zoning Board of Appeals (the board that deals with the vast majority of issues related to one and two-family homes)

### From original ARB Report to Town Meeting:

*Some of the Town's Zoning Bylaw definitions exceed the requirements of the State Building Code. By amending these definitions, Arlington will be in conformance with State Building Code.... The Redevelopment Board voted unanimously (4-0) to recommend the following vote, to ensure the Town's Zoning Bylaw aligns with State Building Code and help limit out of scale development in residential zones.*

### From 7-28-15 Memo from the Zoning Board of Appeals Chair to Planning Department Staff:

*Revisit what is considered Gross Floor Area, and what parts of basements and attics are considered Gross Floor area. Seek to eliminate ambiguity or unenforceable provisions, such as when a building plan indicates that a large basement or attic area is devoted to mechanical and so is not considered in the GFA calculation, when in the future it may very well be living space. Re: GFA considerations, also revisit whether 7'3" is the appropriate trigger: other communities use 7' and even 5' heights as habitable space.*

Some questions and answers about this article:

1. Why limit the ceiling height to 7 feet?

*The zoning bylaw does not currently limit ceiling height, nor will it with this change. Cathedral ceilings are allowed. In fact, the state building code requires ceiling heights greater than 7 feet for habitable space. The change merely bases the half-story definition on the same height used in the state code.*

2. Has 7 feet been tried before?

*Yes. Seven feet is used in other communities, and according to the Building Inspector was used previously. Recently, the state returned to the 7' standard (from 7'-3") hence the need for this change.*

3. Will this prevent someone from adding another story to a cape or a ranch?

*Not at all, so long as the new house does not exceed 2.5 stories.*

4. Will this change affect assessments for property taxes?

*No. Property taxes are based the assessors' own calculation of finished area among many other factors, which are independent of the definitions in the Zoning Bylaw.*

5. Will the proposed change prevent the addition of dormers to existing homes?

*No, as long as the third floor does not exceed a half-story.*

Example:

Additional Dormer Floor Area Available  
(for a house 28' x 42' with 9/12 gable roof):

Existing: 224 square feet (@ 7'-3" or more)

Proposed: 196 square feet (@ 7' or more)

